IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

MONDAY, THE 10TH SEPTEMBER 2007 / 19TH BHADRA 1929

WP(C).No. 15194 of 2007(H)

OS.8/2000 of SUB COURT,NEYYATTINKARA
(IA.127/2000)
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PETITIONER:

CHELLAYAN, S/O.YOVEL, AGED 72,
C.C.BHAVAN, KOCHUVILA, IRUMBIL DESOM,
NEYYATTINKARA.

BY ADV. SRI.G.S.REGHUNATH

RESPONDENT:

KAMALAM, AGED 76, D/O.THANKAMMA,
THEENDAKADU VEEDU, IRUMBIL DESOM,
NEYYATTINKARA VILLAGE, NEYYATTINARA TALUK.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 10/09/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Appendix

Petitioner's Exts:

Ext.P1 true copy of the plaint in O.S.No.8/2000 before the sub Court, Neyyattinkara.

Ext.P2 true copy of the written statement filed by defendants 2 to 4, 90 and 11 in OS 8/2000 before the Sub Court, Neyyattinkara.

Ext.P3 true copy of the decree dtd. 11.8.1972 in OS 1092/1968 of the Munsiff Court, Neyyattinkara.

Ext.P4 true copy of the exchange deed No.877/1988 of the Neyyattinkara Sub Registyry.

Ext.P5 true copy of the order dtd. 30.3.2000 in I.A.No.127/00 in O.S.8/00 of the sub Court, Neyyattinkara.

Ext.P6 true copy of the Review Petition in IA 87/07 in OS No.8/00 on the file of the sub Court, Neyyattinkara.

Ext.P7 true copy of the I.A.No.1257/07 in O.S.8/2000 on the file of the Sub Court, Neyyattinkara.

M.N.Krishnan, J.

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W.P(C).No.15194 of 2007

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Dated this the 10th day of September, 2007.

JUDGMENT

This Writ Petition is filed seeking a direction to the District Court, Thiruvananthapuram to pass urgent orders on Ext.P1 and for directing the respondent not to proceed with the construction in plaint A schedule item 1 property in Ext.P1 pending disposal of Ext.P6 petition, etc. and for a direction to the Subordinate Judge, Neyyattinkara to dispose of Ext.P1 suit within a time frame to be fixed by this Court. This Court by its order dated 24.5.2007 directed the parties to maintain status quo as on that date and that no further construction is to be made for a period of two weeks. It was being extended till this date. Respondent was not able to be served and her acknowledgement card is returned without signature. Petitioner prays for a direction to the trial court to dispose of the matter as expeditiously as possible. Since I have already ordered maintenance of status quo with a further

direction of no construction to be made, I feel that keeping the said order in force, the court be directed to dispose of the matter as expeditiously as possible, at any rate, within a period of three months from today. I do so. The writ petitioner can take copy of the order and place it before the learned trial judge for compliance. The trial judge shall also intimate regarding the status quo order passed on 24.5.2007 by this Court.

Writ Petition is disposed of as above.

M.N.Krishnan,
Judge.

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